IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5543 of 2002

For Approval and Signature:

Hon'ble THE CHIEF JUSTICE MR. D.S.SINHA
and
Hon'ble MR.JUSTICE J.M.PANCHAL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : YES

3. Whether Their Lordships wish to see the fair copy of the judgement? : YES

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

NEW GUJARAT VALI MANDAL

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 5543 of 2002

GIRISH PATEL ASSOC for Petitioner No. 1-11

..... for Respondent No. 1-3

CORAM : THE CHIEF JUSTICE MR. D.S.SINHA
and
MR.JUSTICE J.M.PANCHAL

Date of decision: 26/06/2002

ORAL JUDGEMENT

(Per : THE CHIEF JUSTICE MR. D.S.SINHA)

1. Heard Mr. Girish Patel, the learned Senior Advocate representing the petitioners, at length and in detail.

2. Ten petitioners, who have failed in the Higher Secondary Certificate Examination, 2002 conducted by the Gujarat Secondary Education Board, the respondent no.2, assert before this Court that there has been error affecting the result of the examination, and urge this Court to intervene and direct the respondents to exercise the power coupled with duty conferred upon the respondents by Regulation 32(2) of the Regulations framed for conducting the Higher Secondary Certificate Examination, and amend the results in such manner as will be in accordance with the true position.

3. The petitioners assert that they are very good students, and in their previous examinations they had performed excellently, and they could not have failed. They also assert that the error in declaration of the result of the examination has been writ large.

4. Under Regulation 32(2) of the Higher Secondary Certificate Examination Regulations, 1977, hereinafter called the "Regulations", if it is found that the result of the examination has been affected by error, the Examination Committee shall have power to amend such result in such a manner as shall be in accordance with the true position and to make such declaration as it may consider necessary in that behalf.

5. From the pleadings, it is evident that a representation was made to the Honourable Education Minister of the State of Gujarat, a copy whereof was forwarded to the Gujarat Secondary Education Board. There is nothing on record to indicate that either the Board or the Examination Committee has come to the conclusion that there was any error affecting the result of the examination. No such material has been placed before this Court also.

6. Exercise of discovery of error contemplated in Regulation 32(2) may involve re-assessment and re-evaluation. In the opinion

of the Court, it cannot direct the authorities concerned to undertake the exercise of re-assessment and re-evaluation. The opinion of the Court is fortified by a well-considered Division Bench Judgment of this Court rendered in Gautambhai Govindlal Bhatt v. Gujarat Secondary Education Board, reported in 2001 (1) GLR 211.

7. The Petition furnishes no data. The pleadings contained in the Petition are wholly speculative.

8. The Petition lacks merit and is dismissed accordingly.

9. However, the dismissal of instant Petition shall not be construed as to deprive the examinee/examinees of the right available to him/them under Regulation 34 of the Regulations, in the context of the controversy.

(D.S. SINHA, C.J.)

(J.M. PANCHAL, J.)

[SNDEVU]
P.S.